

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMBAC ASSURANCE CORPORATION,	:	Index No. 08 Civ. 9464 (RMB) (THK)
	:	
Plaintiff,	:	
	:	
-against-	:	<b>NOTICE OF MOTION</b>
	:	<b>BY DEFENDANT EMC</b>
	:	<b>MORTGAGE CORPORATION</b>
	:	<b>FOR RECONSIDERATION OF THE</b>
EMC MORTGAGE CORPORATION,	:	<b>REPORT AND RECOMMENDATION</b>
	:	<b><u>OF MAGISTRATE JUDGE</u></b>
Defendants.	:	
	:	
	:	
	:	
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**PLEASE TAKE NOTICE** that upon the attached Memorandum of Law in Support of Defendant EMC Mortgage Corporation's Motion for Reconsideration of the Report and Recommendation of Magistrate Judge, and all other papers and pleadings on file in this action, EMC Mortgage Corporation will move this Court before the Honorable Theodore H. Katz, United States Magistrate Judge, at the United States Courthouse located at 500 Pearl Street, New York, NY 10007, Courtroom 17D, at a date and time to be determined by the Court, for an order, pursuant to Rules 59(e) and 60(b)(6) of the Federal Rules of Civil Procedure, and Local Civil Rule 6.3 reconsidering that portion of the Report and Recommendation of Magistrate Judge Katz dated December 16, 2010 granting Plaintiff Ambac Assurance Corporation leave to amend its

Complaint to add Bear, Stearns & Co. Inc. as an additional defendant, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
January 5, 2011

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